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7 Attorneys for Defendants  
ADOBE SYSTEMS INCORPORATED  
8 and ELECTRONIC ARTS INC.

9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **OAKLAND DIVISION**

13 DIGITAL REG OF TEXAS, LLC,

14 Plaintiff,

15 vs.

16 ADOBE SYSTEMS INCORPORATED, et al.,

17 Defendants.

Civil Case No. 12-CV-01971 CW (KAW)

**DECLARATION OF ALEX  
ZVENIGORODSKY IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
OF NONINFRINGEMENT BASED ON  
DIGITAL REG'S LICENSE TO  
MICROSOFT**

1 I, Alex Zvenigorodsky, declare:

2 1. I am a technical director at Electronic Arts Inc. ("EA"). I lead  
3 development efforts of the Origin client and I have also formally overseen the efforts of EA  
4 Access, also known as Origin Online Activation. I submit this declaration based on personal  
5 knowledge and following a reasonable investigation. If called upon as a witness, I could  
6 competently testify to the truth of each statement herein.

7 2. Origin is a gaming service that allows users to purchase, download, and  
8 manage computer games. See <http://www.origin.com/faq>. The Origin system includes a client  
9 program and servers.

10 3. The Origin client, formerly known as EA Download Manager  
11 ("EADM"), is a program that a user installs on his or her computer to download, install, and  
12 play games. Until February 2013, the Origin client was available only for computers running  
13 Microsoft Windows. That Windows version of the Origin client can be installed and used only  
14 on computers running Windows. See <http://www.origin.com/download> ("System Requirements  
15 . . . Windows XP Service Pack 2 or newer, Windows Vista, or Windows 7"). Without  
16 Windows, the Origin client will not allow a user to login to Origin, download games, install  
17 games, or play games.

18 4. Windows provides key, fundamental functionality to the Windows  
19 version of the Origin client. For example, Windows provides process threads and allocates  
20 memory to allow the Origin client to run, Windows controls the computer's network card to  
21 allow network communications, Windows controls the video screen to allow images to be  
22 displayed to a user. In addition, with respect to the process by which a user logs into Origin,  
23 Windows renders the login window (*i.e.*, causes it to be displayed) and processes a user's text  
24 entry (via Windows system events). Without Windows, the Windows version of the Origin  
25 client would not work.

26 5. EA Access is software for checking a user's entitlement to play a  
27 computer game. Until February 2013, EA Access operated only in combination with the  
28 Windows operating system. See EA-DR-0014797; EA-DR-27210; EA-DR-27629. Other

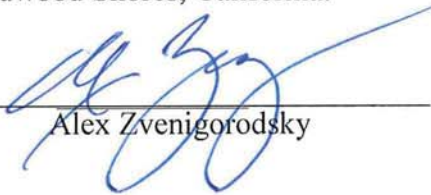
1 operating systems were not supported.<sup>1</sup> Beginning in February 2013, EA Access also  
2 supported the Apple Macintosh operating system.

3 6. Windows provides key functionality to the Windows version of EA  
4 Access.

5 Without  
6 Windows, the Windows version of EA Access would not work.

7 I declare under the penalty of perjury under the laws of the United States of  
8 America that the foregoing is true and correct.

9 Executed on June 11, 2013, at Redwood Shores, California.

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11   
12 Alex Zvenigorodsky

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26 <sup>1</sup> Prior to February 2013, the Mac version of EA's Dragon Age 2 computer game used EA  
27 Access via a Windows emulator called Cider, from TransGaming Inc. The Cider program  
28 allows PC games to be enabled on Apple's Mac platform by translating Windows API calls to  
the Mac operating system. See <http://transgaming.com/cider/frequently-asked-questions>. In  
other words, the Mac version of Dragon Age 2 still incorporated Windows software, namely  
Windows API calls.

# Attachment 1

[About Origin](#)
[Origin News](#)
[Download Origin](#)
[Game Publishing](#)

## FAQ

### Have a Question?

Get The Answers You Need  
 Browse our comprehensive knowledge base or get free live support through the [Origin Help](#) page.

See What's New With Origin  
 Read about the latest improvements to the Origin client in our [Release Notes](#) section.

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## Origin FAQ

[Home](#) > [FAQ](#)

### About Origin

#### ▼ What is Origin?

Origin is a cross-platform gaming service that helps you connect with friends, purchase and manage your games, and stay up to date on the latest video game news and releases. Becoming a part of the Origin community also gives you access to exclusive events and offers.

- ▶ [Why should I use Origin?](#)
- ▶ [What is the Origin client?](#)
- ▶ [Why should I use the Origin client?](#)
- ▶ [How do I create an Origin Account?](#)
- ▶ [How can I make my account more secure?](#)
- ▶ [Can I access Origin on PC, Mac, or on my mobile device?](#)

### Games And Downloads

- ▶ [How do I download and install the Origin client?](#)
- ▶ [How do I purchase a game?](#)
- ▶ [How do I access a game I've purchased?](#)
- ▶ [How do I download a game?](#)
- ▶ [How do I install a game?](#)
- ▶ [How do I download a game that is in beta?](#)
- ▶ [How do I download a free game or demo?](#)
- ▶ [Can I download a game more than once?](#)
- ▶ [How do I redeem a product code?](#)
- ▶ [Can a game expire if I do not play it?](#)
- ▶ [Can my account be deleted for inactivity?](#)
- ▶ [How do I find a game I've purchased?](#)
- ▶ [Can I stream my gameplay through Origin?](#)
- ▶ [What is the difference between a demo and a free trial?](#)
- ▶ [After playing a free trial, will I have to start over if I purchase the game?](#)
- ▶ [After playing a free trial, will I have to re-download the entire game if I purchase the game?](#)

the game:

- ▶ [Are there limitations on how many free trials I can play?](#)

#### Cloud Storage

- ▶ [What is cloud storage?](#)
- ▶ [How do I enable cloud storage?](#)
- ▶ [How much can I save to the cloud?](#)

#### Unreleased Games

- ▶ [What is pre-ordering?](#)
- ▶ [What is pre-loading?](#)
- ▶ [What is beta?](#)

#### Troubleshooting

- ▶ [My game will not download or install.](#)
- ▶ [I forgot my password. How do I reset it?](#)

#### Unreleased Games

- ▶ [What is pre-ordering?](#)
- ▶ [What is pre-loading?](#)
- ▶ [What is beta?](#)

#### Troubleshooting

- ▶ [My game will not download or install.](#)
- ▶ [I forgot my password. How do I reset it?](#)

#### Data Collection

- ▶ [What types of data does EA collect through Origin?](#)
- ▶ [Can I opt out of data collection through Origin?](#)
- ▶ [Are any other types of data collected through Origin?](#)

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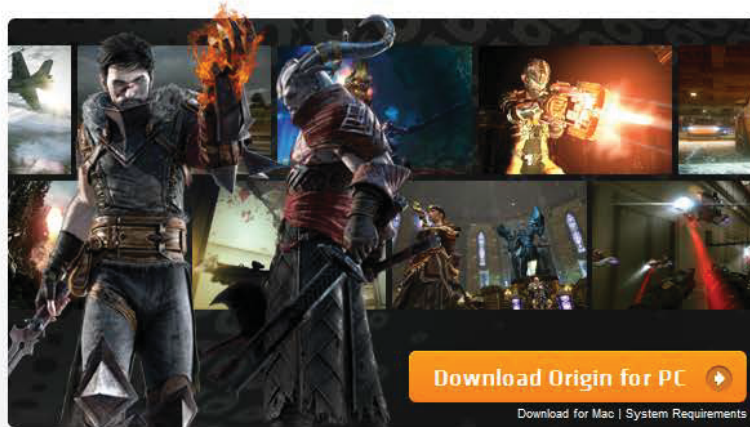
## Attachment 2

[About Origin](#)[Origin News](#)[Download Origin](#)[Game Publishing](#)[FAQ](#)

### Have a Question?

Get The Answers You Need  
Browse our comprehensive  
knowledge base or get free  
live support through the [Origin  
Help](#) page.

See What's New With Origin  
Read about the latest  
improvements to the Origin  
client in our [Release Notes](#)  
section.

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## Download Origin

[Home](#) » [Download Origin](#)

[Download Origin for PC](#) to play anywhere, challenge friends, explore exciting new games, and stay connected to the Origin community. Origin In Game and chat features make for a lively social experience, our broadcasting feature allows you to easily broadcast your gameplay to Twitch, and cloud saves conveniently let you save and continue your games from any computer connected to Origin.

### System Requirements

15MB of available disk space

Windows XP Service Pack 2 or newer, Windows Vista, or Windows 7

1GHz processor

512MB RAM

### [System Requirements for Mac](#)

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## Attachment 3

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## Attachment 4

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## Attachment 5

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